

**STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 2018-0040**

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY BASIN TO ESTABLISH WATER QUALITY OBJECTIVES AND A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DISSOLVED OXYGEN IN SUISUN MARSH AND TO AMEND THE SAN FRANCISCO BAY MERCURY TMDL TO INCLUDE SUISUN MARSH

WHEREAS:

1. On April 11, 2018, the Regional Water Quality Control Board for the San Francisco Bay Region (San Francisco Bay Water Board) adopted [Resolution No: R2-2018-0015](#) to amend the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan amendment) to establish site-specific water quality objectives and a Total Maximum Daily Load (TMDL) for dissolved oxygen in Suisun Marsh and to include Suisun Marsh in the San Francisco Bay Mercury TMDL. The Basin Plan amendment also makes minor editorial revisions to parts of the Basin Plan.
2. The San Francisco Bay Water Board found that the analysis contained in the California Environmental Quality Act (CEQA) "Substitute Environmental Documents" for the proposed Basin Plan amendment, including the CEQA Checklist, the final staff report, titled "Establish Water Quality Objectives and a Total Maximum Daily Load for Dissolved Oxygen in Suisun Marsh and Add Suisun Marsh to SF Bay Mercury TMDL," and the responses to comments complies with the State Water Resources Control Board (State Water Board) regulations for the implementation of CEQA, as set forth in the California Code of Regulations, Title 23, sections 3775 through 3781. The State Water Board has reviewed the Substitute Environmental Documents for the Basin Plan amendment and concurs with the San Francisco Bay Water Board's findings and determinations.
3. The State Board prepared a summary of the necessity of the Basin Plan amendment as required by Government Code section 11353, subdivision (b).
4. The State Water Board concurs with the San Francisco Bay Water Board's finding the Basin Plan amendment is consistent with the Statement of Policy with Respect to Maintaining the High Quality of Waters in California (State Water Board [Resolution No. 68-16](#)) and the federal Antidegradation Policy (40 C.F.R. § 131.12), in that it does not allow degradation of water quality, but requires restoration of water quality and attainment of water quality standards.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code sections 13240, which specifies the process by which regional water quality control boards may revise basin plans, 13241, which specifies the factors regional boards must consider in adopting water quality objectives, and 13242, which requires a program of implementation for achieving water quality objectives. The State Water Board also finds that the TMDL, as reflected in the Basin Plan amendment, is consistent with the requirements of section 303(d) of the federal Clean Water Act.

6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by the Office of Administrative Law (OAL). The TMDL must also receive approval from the U.S. Environmental Protection Agency (U.S. EPA).

THEREFORE, BE IT RESOLVED THAT:

The State Water Board:

1. Approves the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2018-0015.
2. Authorizes and directs the Executive Director or designee to submit the Basin Plan amendment adopted under San Francisco Bay Water Board Resolution No. R2-2018-0015 to OAL for approval of the regulatory provisions and to U.S. EPA for approval of the TMDL.

CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 21, 2018.

AYE: Chair Felicia Marcus
Vice Chair Steven Moore
Board Member Tam M. Doduc
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board